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JUL 28 2006

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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

JEROME BENOIT

CIVIL ACTION NO. 06-1031

VS.

JUDGE HAIK

C&J TIRE EXPRESS
BEAR TRANSPORTATION
CAROLINA CASUALTY INS. CO.

MAGISTRATE JUDGE METHVIN

JURISDICTIONAL REVIEW RULING

As required by a standing order of this court, the undersigned has reviewed the record and concludes that the jurisdictional amount has been established in this diversity case.

Plaintiff, an employee at Wal-Mart Distribution Center in St. Landry Parish, Louisiana, was unloading a trailer owned by defendant C&J Tire Express, which was being transported by defendant Bear Transportation. While in the process of operating a forklift to unload pallets in the trailer, the floor of the trailer gave way, causing the forklift to fall, causing injury to the plaintiff. Plaintiff alleges that he sustained personal injuries and has incurred medical expenses and will incur additional medical expenses in the future. Plaintiff also incurred lost wages and suffered loss of future earnings and/or earning capacity.

While the plaintiff does not specify an amount of damages, in its notice of removal, defendants allege that they have been notified by the compensation carrier of plaintiff's employer that it has paid approximately \$25,000 in benefits to date and that preliminary information indicates that plaintiff suffered a head injury.

Given that plaintiff's employer's compensation carrier has already paid \$25,000 in benefits to plaintiff for a head injury, and that plaintiff seeks damages for both past and future

lost wages, the undersigned concludes that the jurisdictional amount has been satisfied in this case.

Signed at Lafayette, Louisiana on July 28, 2006.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin
United States Magistrate Judge
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